

## **Exhibit C**

## **11 FAM 720 NEGOTIATION AND CONCLUSION**

*(CT:POL-48; 09-25-2006)  
(Office of Origin: L/T)*

### **11 FAM 721 CIRCULAR 175 PROCEDURE**

*(CT:POL-44; 05-26-2006)*

This subchapter is a codification of the substance of Department Circular No. 175, December 13, 1955, as amended, on the negotiation and conclusion of treaties and other international agreements. It may be referred to for convenience and continuity as the "Circular 175 Procedure." The C-175 procedure facilitates the application of orderly and uniform measures to the negotiation, conclusion, reporting, publication, and registration of U.S. treaties and international agreements, and facilitates the maintenance of complete and accurate records on such agreements.

### **11 FAM 722 GENERAL OBJECTIVES**

*(CT:POL-44; 05-26-2006)*

The objectives are:

- (1) That the making of treaties and other international agreements for the United States is carried out within constitutional and other appropriate limits;
- (2) That particular treaties or international agreements are not in conflict with other international agreements or U.S. law;
- (3) That the objectives to be sought in the negotiation of particular treaties and other international agreements are approved by the Secretary or an officer specifically authorized by him or her for that purpose;
- (4) That timely and appropriate consultation is had with congressional leaders and committees on treaties and other international agreements;
- (5) That where, in the opinion of the Secretary of State or a designee,

existing legislation, or subject to legislation to be adopted by the Congress, or upon the failure of Congress to adopt a disapproving joint or concurrent resolution within designated time periods.

## **11 FAM 723.2-2(C) Agreements Pursuant to the Constitutional Authority of the President**

*(CT:POL-48; 09-25-2006)*

The President may conclude an international agreement on any subject within his constitutional authority so long as the agreement is not inconsistent with legislation enacted by the Congress in the exercise of its constitutional authority. The constitutional sources of authority for the President to conclude international agreements include:

- (1) The President's authority as Chief Executive to represent the nation in foreign affairs;
- (2) The President's authority to receive ambassadors and other public ministers, *and to recognize foreign governments*;
- (3) The President's authority as "Commander-in-Chief"; and
- (4) The President's authority to "take care that the laws be faithfully executed."

## **11 FAM 723.3 Considerations for Selecting Among Constitutionally Authorized Procedures**

*(CT:POL-44; 05-26-2006)*

In determining a question as to the procedure which should be followed for any particular international agreement, due consideration is given to the following factors along with those in 11 FAM 723.2:

- (1) The extent to which the agreement involves commitments or risks affecting the nation as a whole;
- (2) Whether the agreement is intended to affect state laws;
- (3) Whether the agreement can be given effect without the enactment of subsequent legislation by the Congress;
- (4) Past U.S. practice as to similar agreements;
- (5) The preference of the Congress as to a particular type of